

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

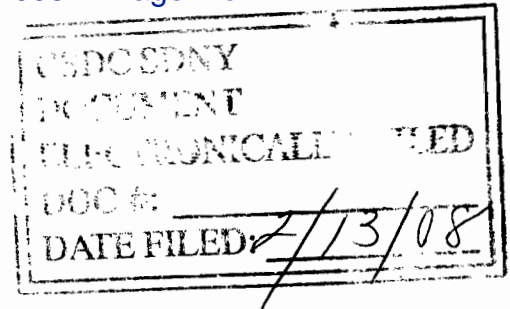
----- X
M.D. STUART BITTERMAN,

Plaintiff,

- against -

BERKSHIRE LIFE INSURANCE,

Defendant.
----- X



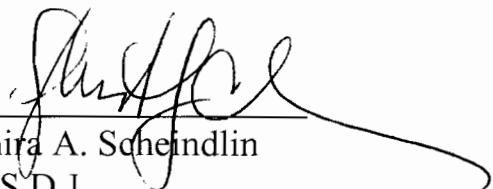
**ORDER OF
DISMISSAL**

07 Civ. 11061 (SAS)

The parties having notified the Court that they have nearly reached a resolution of this action,

IT IS HEREBY ORDERED that this action be, and the same hereby is, discontinued with prejudice but without costs; provided, however, that within thirty days of the date of this Order, counsel for any party may apply by letter for restoration of the action to the calendar of the undersigned if the settlement is not effected, in which event the action will be restored.

SO ORDERED:


Shira A. Scheindlin
U.S.D.J.

Dated: New York, New York
February 12, 2008

- Appearances -

For Plaintiff:

Steven Paul Del Mauro, Esq.
McElroy, Deutsch, Mulvaney & Carpenter, LLP
1300 Mount Kemble Avenue
Morristown, New Jersey 07962
(212) 483-9490